

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 11257

PERMIT 3342

LICENSE 3342

ORDER ALLOWING CHANGE IN POINT OF DIVERSION AND PLACE OF USE

WHEREAS:

1. License 3342 was issued to Leonard R. and Walter Loffmark and was filed with the County Recorder of Sierra County on January 31, 1952.
2. License 3342 was subsequently assigned to Arighi Family Trust.
3. A petition for change in the point of diversion, and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:
  - 1) North 200 feet and West 2,900 feet from the SE corner of Section 32, T20N, R10E, MDB&M, being within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 32.
  - 2) North 1,200 feet and West 2,350 feet from the SE corner of Section 32, T20N, R10E, MDB&M, being within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 32.
2. The place of use under this license shall be as follows:

Section 5, T19N, R10E, MDB&M being within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 5.
3. The paragraph pertaining to the continuing authority of the Board is replaced with the following:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights privileges under this license are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

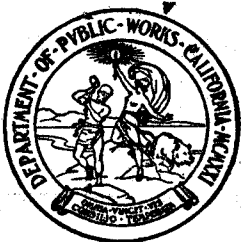
The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may

include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: NOVEMBER 19 1986

*for Hloy Johnson*  
Raymond Walsh, Chief  
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

APPLICATION 11257

PERMIT 6539

LICENSE 3342

THIS IS TO CERTIFY, That **Leonard R. Loffmark and Walter Loffmark**  
**Goodyears Bar, California**

(*sub*)

*have made proof as of June 18, 1949*  
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
**an unnamed spring in Sierra County**

tributary to **Goodyear Creek thence North Yuba River**

for the purpose of **domestic use**

under Permit **6539**

of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from **January 10, 1946**; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **three thousand eight hundred (3800) gallons per day to be diverted from January 1 to December 31 of each year.**

The point of diversion of such water is located **North two hundred fifty-eight (258) feet and West one hundred forty-eight (148) feet from the SE corner of Section 32, T 20 N, R 10 E, M.D.B.&M., being within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 32.**

A description of the lands or the place where such water is put to beneficial use is as follows: **Within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 5, T 19 N, R 10 E, M.D.B.&M.**

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public  
Works of the State of California, this 28th  
day of January, 19 52

*A. D. Edmonston*  
A. D. EDMONSTON, State Engineer



5-11-82 Asgd to Janet Loffmark  
1-6-84 Partial asgmt to Shirley J. Hartung  
11-28-84 Asgd to A. L. + Dorothy L. Arighi; Shirley J. Hartung  
5-9-86 Ownership Chgd to Arighi Family Trust

LICENSE 3342

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Leonard R. Loffmark and  
Walter Loffmark

DATED JAN 28 1952

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